

CUSTOMER NO.: 24498
Serial No.: 09/868,254
Office Action dated: April 21, 2006
Response dated: July 20, 2006

PATENT
RCA 89,185

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CENTRAL FAX CENTER

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Remarks/Arguments

Claims 1-10 are pending.

Claims 1-10 stand rejected.

No claims have been amended.

Reconsideration of the application is respectfully requested in view of the following remarks.

Rejection of Claims 1-2 and 5-10 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,002,394 (Schein)

Claims 1-2 and 5-10 stand rejected under 35 U.S.C. 102(e) by U.S. Patent No. 6,002,394 (Schein). This rejection is traversed on the grounds that Schein fails to disclose at least the following limitations of claim 1: causing said advertisement to be displayed by said computer application software program; and operating said video processing apparatus in said video operating mode for obtaining the broadcast television program in response to selecting said advertisement.

In summary, Applicants disclose a method which permits a video processing apparatus, such as a television, VCR, DVD satellite receiver, set-top box, or the like, to be controlled in response to viewer selection of an advertisement displayed in connection with a productivity or communication application software program. In the prior art, an electronic program guide permits a user to select a program and immediately switch to that program, or set a videocassette recording (page 1, lines 13-16). Computer-related programs and operations (such as e-mail) are implemented independently of television programs and operations (page 4, lines 28-30). As such programs are implemented independently of an electronic program guide in the prior art, a viewer cannot, by selecting a program mentioned in an advertisement displayed by an e-mail program, for example, cause a television to immediately tune to that program. Part of the invention resides in the recognition of this problem. In a method according to an embodiment of the invention, an advertisement for a program is presented within the display of a communication or productivity application software program (page 5, lines 6-7), such as the e-mail program display illustrated in Fig. 4. Upon selection of advertisement 402, the video

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processor receives the data associated with the advertisement (page 6, lines 1-2). Upon selection of advertisement 402, the video processing apparatus may either directly tune to the appropriate channel or set up a recording event without further user intervention (page 6, lines 15-17). Thus, in an embodiment of the invention, a viewer may select an advertisement in, for example, an e-mail program, and immediately tune a television to the advertised program.

This is reflected in Claim 1, which recites:

A method for operating a video processing apparatus, said video operating apparatus being capable of operating in a video-operating mode, and in at least one other mode, said video processing apparatus having an electronic program guide operable in said video operating mode, said method comprising the steps of:

operating said video processing apparatus in said at least one other mode, comprising operating a computer application software program on said video processing apparatus, said computer application software program capable of receiving electronic messages;

receiving, while said computer application software program is running, an advertisement associated with a broadcast television program;

causing said advertisement to be displayed by said computer application software program;

receiving a signal selecting said advertisement;

and
operating said video processing apparatus in said video operating mode for obtaining the broadcast television program in response to selecting said advertisement.

The Examiner states that the limitation "causing the advertisement to be displayed by the computer application software" is met by the user in Schein navigating to select the advertisement 524 to receive more information. Careful review of Schein shows that this interpretation is incorrect. Schein displays, in Fig. 19A, a mode menu, before the user activates the message function of the system of Schein (see col. 23, lines 23-25). Fig. 19A of Schein shows a block (identified as 524 in Figs. 16A and 16B, but not labeled in Fig. 19A) with the wording "FREE SHOWTIME FOR DECEMBER." The screen shown in Fig. 19A is displayed before the user selects the messages function of the EPG of Schein. For this reason

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alone, the limitation "causing the advertisement to be displayed by the computer application software" is not met by the display of block 524 of Schein.

Furthermore, in Fig. 19B and Fig. 19C of Schein, a portion of the screen displays block 524, with the wording "FREE SHOWTIME FOR DECEMBER," while the user accesses a list of e-mails. Similarly, block 524 remains displayed while the user reads an individual message, as illustrated in Fig. 19C. Thus, the block with the wording "FREE SHOWTIME FOR DECEMBER" is not received while the user is checking e-mail. Rather, the block with the wording FREE SHOWTIME FOR DECEMBER is received and displayed before the user selects the e-mail message functionality, and remains displayed, without change, while the e-mail functionality is operated. Block 524, with the wording FREE SHOWTIME FOR DECEMBER, appears entirely independent of the list of e-mail messages and the individual message of Figs. 19B and 19C. As block 524 appears before the e-mail functionality is launched, the e-mail functionality of Schein does not display the advertisement 524. Moreover, in Figs. 19B and 19B, a portion of the displayed screen is given over to the e-mail functionality. However, advertisement 524 is displayed on the screen outside of the portion given over to the e-mail functionality. This illustration further makes clear that Schein does not disclose display of the advertisement by the computer application software.

Furthermore, Schein does not disclose the limitation "operating said video processing apparatus in said video operating mode *in response to selecting said advertisement.*" In Schein, while the advertisement shown in block 524 is displayed, and while the user is accessing e-mail functionality, as shown in Figs. 19B and 19C, a program area 526 is depicting the currently tuned program. Thus, the device of Schein is already in a video operating mode before the advertisement shown in block 524 is selected. By contrast, in the invention of claim 1, the video processing apparatus is operated in the video operating mode *in response to selection of the advertisement.*

Moreover, Schein does not disclose the limitation: "said video operating apparatus being capable of operating in a video-operating mode, and in at least one other mode." Careful review of Schein shows that the system of Schein operates in only a single mode, as the term "mode" is used in claim 1, as may be understood, by way of example, by review of Fig. 19B, where a single display includes *both* a

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currently tuned video program in program area 526 and electronic mail messages. The term "mode" as used in claim 1 and the term "mode" as used in Schein have different meanings. In claim 1, the term "mode" may refer to operation in a video operating mode, wherein video may be displayed, or to another mode, such as a mode in which computer application software is running. In Schein, the term "mode" merely refers to various functionality available while the device of Schein is in a video operating mode. Schein teaches, for example "program guide 502 ... is the primary mode in the television schedule system." The other modes of the system of Schein are merely other functions indicated in mode menu 514 (col. 21, line 55; col. 23, lines 23-26; Fig. 16A, Fig. 19A). This distinction is illustrated by the fact that the program area 526 for displaying a currently tuned video program appears when a program guide is displayed in FIG. 19A and when E-mail is displayed in FIGs. 19B and 19C.

As to limitation (2) above, the Examiner states that the limitation "operating the video processing apparatus in at least one other mode" is met by the mode of Schein wherein messages and other services may be accessed, citing Fig. 19B-20C and col. 6, lines 50-65. As noted above, in the cited figures, Schein is operating in a video operating mode, as shown by the fact that a current program may be viewed in area 526.

For at least the foregoing reasons, claim 1 is allowable over the prior art of record.

Claims 2 and 5 depend from claim 1, and are allowable at least by virtue of their dependence on an allowable base claim.

Claim 6 is an independent claim including limitations similar to those of claim 1. For at least the reasons set forth above in connection with claim 1, Schein does not teach each limitation of claim 6. Accordingly, claim 6 is allowable.

Claims 7-10 depend from claim 6. These claims are allowable at least by virtue of their dependence from an allowable base claim.

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Rejection of Claims 3 and 4 under 35 U.S.C. 103(a) as Being

Unpatentable over Schein

Claim 3 depends from claim 2, and further recites that the advertisement displayed by the computer application software program comprises control information associated therewith, said control information comprising at least one of (1) time and channel selection data and (2) recording data. The Examiner takes Official Notice that it was well known at the time the invention was made to include channel, start time, and dates in an ad for a TV program so the ad user is aware of the tuning information. The Examiner states that it would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Schein with the known feature of including tuning information in an ad, at least so that the user is able to select the advertised program when it is broadcast.

The rejection is traversed on the grounds that Schein, even when modified as proposed by the Examiner, does not teach an advertisement *displayed by a computer application software program capable of displaying electronic messages comprising control information* including at least one of time and channel selection data and recording data. While the Examiner has taken Official Notice that an ad may include channel, start time and dates, such information is not *control information*, nor does the Official Notice extend to control information contained in an advertisement displayed by a computer application software program capable of displaying electronic messages. For at least these reasons, claim 3 is allowable over the prior art of record. In addition, claim 3 is allowable by virtue of its ultimate dependence from allowable claim 1.

Claim 4 is allowable at least by virtue of its dependence from allowable claim 3 and its ultimate dependence from allowable claim 1.

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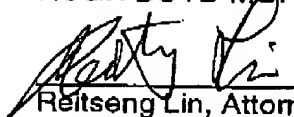
Conclusion

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
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